

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	
	:	
BERNARD L. MADOFF INVESTMENT	:	SIPA LIQUIDATION
SECURITIES LLC,	:	
	:	No. 08-01789 (SMB)
Debtor.	:	
-----	:	
	X	
IRVING H. PICARD, Trustee for the Liquidation	:	
of Bernard L. Madoff Investment Securities LLC,	:	
	:	
Plaintiff,	:	
v.	:	Adv. Proc. No. 09-01182 (SMB)
	:	
J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,	:	
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,	:	
ASCOT FUND LTD., GABRIEL CAPITAL	:	
CORPORATION,	:	
	:	
Defendants.	:	
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[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION *IN LIMINE*
TO EXCLUDE THE TESTIMONY AND REPORT OF BRUCE G. DUBINSKY

Upon consideration of the Notice of Motion *In Limine* By Defendants to Exclude the Testimony and Report of Bruce G. Dubinsky ("Defendants' Motion *In Limine*"), the accompanying Memorandum of Law, and the accompanying Declaration and exhibits thereto, it is hereby:

ORDERED, that Defendants' Motion *In Limine* is granted; that the report and proposed testimony of Bruce G. Dubinsky, and related exhibits, are excluded; and that this Court will

order such other relief as the Court deems just and proper in relation to Defendants' Motion *In Limine*.

Dated: _____
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE